

IN THE CLAIMS:

Please cancel claims 3-9, 12-13, and 19 without prejudice to or disclaimer of the subject matter contained therein. Please add new claims 23-41. Please substitute claims 1, 2, 10, 11, 14-18, and 20-22 presented below for claims 1, 2, 10, 11, 14-18, and 20-22 previously presented. Currently amended claims are shown with additions underlined and deletions in ~~striketrough text~~. No new matter is added by these amendments.

1. (Currently amended) An ear warmer, comprising:  
a shell; and  
a frame configured to be inserted in said shell, said frame including:  
a first frame member, said first frame member including a passageway and a projection disposed proximate to said first frame member passageway;  
a second frame member, said second frame member including a plurality of projections, and  
a third frame member, said third frame member including a passageway and a projection disposed proximate to said third frame member passageway, said first frame member passageway configured to receive said second frame member, said third frame member passageway configured to receive said second frame member, said first frame member projection ~~and said third frame member projection~~ being configured to engage a projection from said plurality of projections such that to couple said first frame member ~~and said third frame member is coupled~~ to said second frame member, said third frame member projection being configured to engage a projection from said plurality of projections such that said first frame member is coupled to said second frame member.
2. (Original) The ear warmer of claim 1, wherein said second frame member has an inner surface, said plurality of projections being disposed on said inner surface.
- 3.-9. (Canceled)

10. (Original) A method of assembling an ear warmer frame, the ear warmer frame including a first frame member including a passageway and a projection, a second frame member including a plurality of projections, and a third frame member including a passageway and a projection, said method comprising:

inserting the second frame member into the first frame member passageway;

engaging the projection on the first frame member with the plurality of projections on the second frame member; and

coupling the second frame member and the third frame member.

11. (Original) The method of claim 10, wherein said coupling the second frame member and the third frame member comprises: inserting the second frame member into the third frame member passageway; and engaging the projection on the third frame member with the plurality of projections on the second frame member.

12.-13. (Canceled)

14. (Original) An ear warmer, comprising:

a shell, said shell including a plurality of membrane portions, said plurality of membrane portions being coupled together to define an interior of the ear warmer; and

a frame configured to be inserted in said interior, said frame including:

a band having a first end and a second end;

a first ear frame member configured to be coupled to said first end of said band, said first ear frame member having an arcuate configuration; and

a second ear frame member configured to be coupled to said second end of said band.

15. (Original) The ear warmer of claim 14, wherein said second ear frame member has an arcuate configuration.

16. (Currently amended) An ear warmer, comprising:  
a shell having an interior; and  
a frame disposed within the interior of said shell, said frame having a first ear portion, a second ear portion and a middle portion, the first ear portion of the frame including a first end slidably coupled to the middle portion of the frame and a second end disposed away from the middle portion of the frame, the second ear portion of the frame including a first end slidably coupled to the middle portion of the frame and a second end disposed away from the middle portion of the frame.
17. (Original) The ear warmer of claim 16, wherein the first ear portion of the frame has an arcuate configuration.
18. (Original) The ear warmer of claim 16, wherein the first ear portion of the frame is semi-circular in shape.
19. (Canceled)
20. (Currently amended) An ear warmer, comprising:  
a shell having an interior, and  
a frame disposed within the interior of said shell, said frame having a first ear portion, a second ear portion and a band portion, the first ear portion being ~~slideably~~slidably coupled to the band portion, the second ear portion being ~~slideably~~slidably coupled to the band portion.
21. (Currently amended) The ear warmer of claim 20, wherein the band portion includes a first passageway and a second passageway, the first ear portion of said frame being configured to communicate with the first passageway of the band portion to ~~slideably~~slidably couple the first ear portion to the band portion, the second ear portion of said frame being configured to communicate with the second passageway to ~~slideably~~slidably couple the second ear portion to the band portion.

22. (Original) The ear warmer of claim 20, wherein said shell having a first membrane and a second membrane, the first membrane including a perimeter, a first substantially circular ear portion, a second substantially circular ear portion and a middle portion disposed between the first and the second substantially circular ear portions of the first membrane, the second membrane including a perimeter, a first substantially circular ear portion, a second substantially circular ear portion and a middle portion disposed between the first and the second substantially circular ear portions of the second membrane, at least a portion of the perimeter of the first membrane being coupled to at least a portion of the perimeter of the second membrane.

23. (New) The ear warmer of claim 14, wherein the first ear frame member is slidably coupled proximate to the first end of the band.

24. (New) The ear warmer of claim 14, wherein the band includes a plurality of projections, the first ear frame member is slidably coupled to the first end of the band, a portion of the first ear frame member is configured to engage a projection from the plurality of projections to retain the first ear frame member in a position from a plurality of positions along the band.

25. (New) The ear warmer of claim 14, wherein the first ear frame member includes a passageway that is configured to slidably receive a portion of the band.

26. (New) The ear warmer of claim 14, wherein the first ear frame member is slidably coupled proximate to the first end of the band, and the second ear frame member is slidably coupled proximate to the second end of the band.

27. (New) The ear warmer of claim 20, wherein the first ear portion is slidable relative to the band portion independent of the movement of the second ear portion.

28. (New) The ear warmer of claim 20, wherein the first ear portion is configured to receive a portion of the band portion.

29. (New) The ear warmer of claim 20, wherein the band portion includes a plurality of projections, a portion of the first ear portion engages a projection from the plurality of projections to retain the first ear portion in a position from a plurality of positions along the band.

30. (New) A method, comprising:

slidably coupling a first ear frame member to a band proximate to a first end of the band;

and

slidably coupling a second ear frame member to the band proximate to a second end of the band, the second end of the band being opposite the first end of the band.

31. (New) The method of claim 30, wherein said slidably coupling the first ear frame member to the band includes inserting a portion of the band into a portion of the first ear frame member.

32. (New) A method of adjusting an ear warmer, the ear warmer including a fabric shell defining an interior, and a frame having a first ear frame member, a second ear frame member, and a band having a first end and an opposite second end, the first ear frame member being slidably coupled to the band proximate to the first end of the band, the frame being disposed in the interior of the fabric shell, the method comprising:

disposing the first ear frame member in a first position relative to the band, the ear warmer frame having a first length when the first ear frame member is in the first position; and

moving the first ear frame member along a portion of the band to a second position relative to the band, the ear warmer frame having a second length when the first ear frame member is in the second position, the second length being different than the first length.

33. (New) The method of claim 32, wherein the second ear frame member is slidably coupled to the band proximate to the second end of the band, the method further comprising:

moving the second ear frame member along a portion of the band from its own first position to its own second position, the ear warmer frame having a third length when the second

ear frame member is in its first position and a fourth length when the second ear frame member is in its second position, the third length being different than the fourth length.

34. (New) An ear warmer, comprising:

a shell; and

a frame disposable in the shell, the frame including:

a first frame member; and

a second frame member, the second frame member being slidable coupled to the first frame member, one of the first frame member and the second frame member being an ear frame member and the other being a band.

35. (New) The ear warmer of claim 34, wherein the second frame member of the frame is the band.

36. (New) The ear warmer of claim 34, wherein the first frame member is the ear frame member, the ear frame member includes a band portion and an ear frame portion, the ear frame portion defining an opening therein, the band portion is unitarily formed with the ear frame portion and the band portion is coupled to the second frame member.

37. (New) The ear warmer of claim 34, wherein the first frame member is the ear frame member, the ear frame member includes a band portion and an ear frame portion, the ear frame portion defining an opening therein, the band portion is unitarily formed with the ear frame portion and the band portion is coupled to the second frame member, the second frame member is the band, the band having a first end and a second opposite end, and the band portion of the ear frame portion is slidably coupled to the band proximate to the first end of the band.

38. (New) The ear warmer of claim 34, the frame further comprising:  
a third frame member, the third frame member being slidably coupled to the second frame member.
39. (New) The ear warmer of claim 34, further comprising:  
a third frame member, the third frame member being slidably coupled to the second frame member,  
the first frame member is the ear frame member, the second frame member is the band and the third frame member is another ear frame member.
40. (New) The ear warmer of claim 34, wherein the first frame member is the ear frame member and the second frame member is the band, and the band is non-adjustable in length.
41. (New) The ear warmer of claim 34, wherein the first frame member is the ear frame member, the second frame member is the band, the band includes at least one projection on a surface thereof, the first frame member is configured to engage the at least one projection.